

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

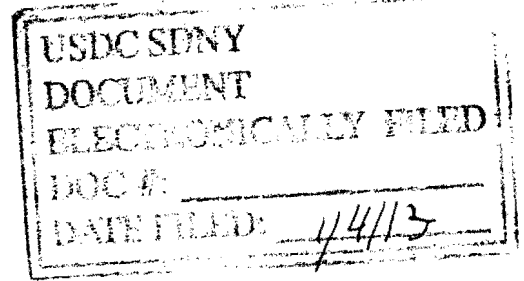
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MORIAH, *et al.*,

Plaintiffs,

-against-

BANK OF CHINA,

Defendant.
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Docket No:

12-CV-1594 (SAS)

ORDER COORDINATING DISCOVERY

The Court having found that the liability issues presented by the matter captioned above are substantially similar to the liability issues presented by *Wultz v. Bank of China*, 11-CV-1266 (SAS) ("*Wultz*"), pending before this court;

The parties in *Elmaliach v. Bank of China*, Supreme Court, New York County, 102026/09 ("*Elmaliach*")" having already stipulated that discovery taken in *Wultz* can be used in *Elmaliach* on terms and conditions as may be determined by this Court; and

For the sake of efficiency and expediency, and to avoid duplication of discovery;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Discovery herein shall be conducted as much as practicable so as not to duplicate discovery taken in *Wultz*. Liability discovery herein shall proceed as much as practicable in tandem with discovery in *Wultz*.

2. Any demand served by any plaintiff herein or in *Wultz* shall be treated as a demand served by all the plaintiffs in the other case. When plaintiffs serve demands in either case they shall serve copies on counsel of record for the plaintiffs in the other case. When defendant answers a plaintiff's demand, the answer and any responsive documents shall be

served on all plaintiffs, regardless of which plaintiff actually served the demand. Responses and productions in any of the cases shall be usable in the other case as if made in that case.

3. Nothing in this order impinges on the right of the defendant to serve demands addressed to all plaintiffs or to specific plaintiffs.

4. All pre-trial letters and motions submitted to the Court by any party in either case shall be served on counsel for the parties to the other case.

5. Copies of all demands, responses, and documents produced by any party in either case shall be furnished by the party who produced them to counsel of record for the plaintiffs in the other case upon the request of such counsel.


6. Depositions taken in one case shall be usable in the other case. Counsel of record in each case shall be notified of deposition dates, consulted about scheduling depositions, and entitled to appear and question all witnesses.

7. The confidentiality order entered in *Wultz* shall govern confidentiality of discovery herein.

8. All rulings made by the Court in *Wultz* with respect to the scope, taking or use of any deposition or written discovery that was sought in *Wultz* prior to the entry of this order shall apply equally to depositions of the same witnesses and to substantially similar written discovery herein.

9. Counsel are ordered to share costs, where appropriate and by agreement, on an equitable basis. Any disagreements on cost sharing will be resolved by the court.

Dated: Jan. 3, 2013



U.S.D.J.